

1 A No.

2 Q And when you say you didn't believe that
3 you had enough money in your account, did you ask
4 your caretakers where the money came from?

5 A No, I didn't ask them. All I wanted to
6 know was, did they get paid?

7 Q And they told you they did, didn't they?

8 A Yes.

9 Q While we are talking about that. Your
10 caretakers, from the time you allowed me to get on
11 your checking account which would have been August
12 of 2016, all the way through the time you revoked
13 my Power of Attorney in April of 2017, all of that
14 time, those nine months, your caretakers got paid
15 every week, didn't they?

16 A As far as I know. None of them said that
17 they didn't.

18 Q Excuse me?

19 A Yes, they got paid. And I said they
20 didn't say that they didn't get paid.

21 Q Okay. Okay.

22 So getting back to when you were saying
23 that you didn't think you had that much money in
24 your account.

1 A Right.

2 Q Did you ask your caretakers or did they
3 tell you where the extra money came from that was
4 in your account?

5 A No.

6 Q Ms. Fauntleroy, they didn't tell you that
7 I put that money in your account? You didn't know
8 that, did you?

9 A No.

10 Q So when they told you about me spending
11 money at the casino that you say you didn't know
12 about --

13 A Right.

14 Q Right -- they didn't tell you that that
15 money was being replaced, that I was putting that
16 money back in your account? They didn't tell you
17 that, did they?

18 A No. Did you?

19 Q (Response stricken)

20 MR. KRAWITZ: You are not to testify
21 during your questioning.

22 MR. CONNER: I apologize.

23 MR. KRAWITZ: That's to be stricken from
24 the record, please.

1 BY MR. CONNER:

2 Q Okay. So this was brought, the fact that
3 you are saying the first time you knew about me
4 using your card at the account -- using your card
5 at the casinos was brought to your attention in
6 November of 2016, correct?

7 A Yes.

8 Q But it wasn't until the end of April of
9 2017 that you revoked my Power of Attorney. Do
10 you remember doing that?

11 A I know it was revoked.

12 Q Did you do it? You did it?

13 A Yes.

14 Q Why did you do it then?

15 A Because the money was getting confusing
16 to me.

17 Q Okay. Now, after you revoked my Power of
18 Attorney which would have been April 27th of 2017,
19 I sent you a letter with a check. Do you remember
20 getting my letter with a check?

21 A No.

22 Q You don't remember me sending you a
23 letter on May 1st with a check in it for
24 \$67,708.15?

1 A No, I do not, sir.

2 MR. CONNER: I beg the court's
3 indulgence.

4 MR. KRAWITZ: Sure.

5 MR. CONNER: May I approach?

6 MR. KRAWITZ: Sure.

7 MR. CONNER: I have three documents I'm
8 going to ask Ms. Fauntleroy about. They are
9 out of order. RS-17 is going to be a letter
10 certified mail dated May 1st, 2017 from me to
11 Ms. Fauntleroy. RS-16 is going to be a copy
12 of the certified notice that was on the check
13 which was signed and returned to my office.
14 And RS-15 is going to be a copy of the actual
15 check.

16 MR. KRAWITZ: Any objection?

17 MR. WHITE: No objection to these
18 documents. If it moves things along, I'm
19 willing to stipulate that Mr. Conner did
20 return the amount of this check, \$67,708 by
21 way of that check.

22 MR. CONNER: But it's important that she
23 knows I did it.

24 MR. KRAWITZ: It's already stipulated.

1 MR. CONNER: She is saying she didn't
2 know. I want the record to reflect that she
3 is saying she didn't know. She is the one
4 bringing these allegations.

5 MR. WHITE: Fair enough.

6 MR. KRAWITZ: Okay. Go ahead. Proceed.

7 BY MR. CONNER:

8 Q Ms. Fauntleroy, I'm going to show you
9 what's been marked as RS-17. This is a letter
10 from me to you. Did you ever see this letter?

11 A No.

12 Q I'm going to show you what's been marked
13 as RS-17. This is a return receipt of that
14 letter.

15 A Did I sign --

16 Q Do you know whose signature is there? Is
17 that your signature?

18 A No.

19 Q Whose signature is that; do you know?

20 A It says Thomas.

21 Q Shelio Thomas?

22 A Shelio Thomas. Yeah.

23 Q Do you know who that is?

24 A My caretaker.

1 Q And this letter is addressed to you at
2 1634 North 30th Street, correct?

3 A That's where I reside.

4 Q Okay. I'm going to show you what's been
5 marked as RS-15. This is a check. Did you ever
6 see this check?

7 A No. Never.

8 Q Never?

9 A No. I probably would have went to the
10 casino if I had seen that.

11 Q Ms. Sarah --

12 A Yes.

13 Q Today is the first time that you knew
14 that I gave you back at the time you revoked my
15 Power of Attorney \$67,708.15?

16 A Yes.

17 Q This is the first time you knew that?

18 A Right.

19 Q Ms. Sarah, between August 1st of 2016 all
20 the way through April 27th of 2017, you received a
21 pension check; is that correct?

22 A Yes.

23 Q Do you recall how much that pension check
24 was?

1 A Was it \$10,000 or \$12,000? It was one of
2 the two other.

3 MR. CONNER: I beg the Panel's
4 indulgence.

5 BY MR. CONNER:

6 Q Ms. Fauntleroy, your pension, if I told
7 you that your pension you received each month was
8 \$2828.62, does that sound right, your pension?

9 A No. I really thought I received more
10 than that.

11 MR. CONNER: Can I see what is my RS-6,
12 that first bank statement that's been marked?

13 MR. WHITE: I don't think you ever gave
14 it back to me.

15 MR. CONNER: I have it.

16 May I approach again?

17 MR. KRAWITZ: Sure.

18 What are we referring to?

19 MR. CONNER: I'm referring, again, to --

20 MR. WHITE: ODC-3A.

21 MR. KRAWITZ: Thank you.

22 BY MR. CONNER:

23 Q Ms. Fauntleroy, this is the document I
24 showed you before. It's a copy of your bank

1 statement from your Wells Fargo checking account.

2 I'm going to go to -- it's actually Page 3.

3 Sorry. Yeah, Page 3 of that document. And I'm
4 going to ask you to take a look at an entry from
5 August 1st which talked about an OPM treasury
6 check. That's your pension check, correct?

7 A Yes.

8 Q Can you take a look and see what the
9 deposit is on August 1st from your pension check?
10 What does that say?

11 A \$2282.62.

12 Q Take another look at it. Right there.
13 What does that say? 2000 --

14 A \$2028.62.

15 MR. WHITE: Again, I'm willing to
16 stipulate Ms. Fauntleroy received a monthly
17 pension payment in the amount of \$2828.62.

18 MR. KRAWITZ: Very well.

19 BY MR. CONNER:

20 Q Ms. Fauntleroy, that money was deposited,
21 your checking account at Wells Fargo once a month,
22 correct?

23 A Yes.

24 Q And other than that pension check, you

1 never deposited any other money into that account;
2 did you?

3 A No, I did not.

4 Q Now, after you found out back in July of
5 2016 that you didn't have any money in your
6 account, I took the \$10,000 check that Mr.
7 Fauntleroy gave me and I put that in your account,
8 correct?

9 A Thank you.

10 Q In addition to that, Ms. Fauntleroy, I
11 found an investment that you had with Delaware?
12 Remember Delaware Investment Company?

13 A Yes.

14 Q And you authorized me to cash that
15 investment out so that you would have some
16 additional money. Correct?

17 A No, I don't remember doing that. But if
18 you say so, it sounds good.

19 Q And do you recall that the amount that
20 was in that investment, once it was cashed out,
21 was \$112,000? Do you remember that?

22 A No.

23 Q \$112,702.60 from that investment.

24 A Okay.

1 Q Do you remember that?

2 A No.

3 Q Do you remember that we opened up a
4 savings account at Wells Fargo and we put that
5 money in the savings account?

6 A In the Wells Fargo savings account?

7 Q Right.

8 A Yeah. Okay.

9 Q All right.

10 So basically then what you are saying is
11 that from August 1st of 2014 through April 27th,
12 you had money that came in from two sources. Your
13 pension was that \$2800 amount. That came in every
14 month, correct?

15 A Yes.

16 Q And money from the investment that we had
17 cashed out in the amount of \$112,702.60. Do you
18 remember that?

19 A Thank you.

20 Q So because you had a negative balance of
21 \$771.39, when you added me to your checking
22 account, the total amount of money that you would
23 have had from August 1st of 2016 through the time
24 you revoked my Power of Attorney, April 27th of

1 2016, the total amount of money was \$137,385.55.

2 That's what you would have had in your account
3 during that period of time. Does that sound right
4 to you?

5 A Yes.

6 Q Now, once I was authorized by you to be
7 on your checking account, you said that you wanted
8 me to pay your caretakers, correct?

9 A Yes.

10 Q And as far as you know, I did that every
11 week, right?

12 A Yes.

13 Q And you also wanted me to pay your bills?

14 A Right.

15 Q Now, your bills, Ms. Fauntleroy, all came
16 to your house, correct? They were mailed to you?

17 A Yeah.

18 MR. WHITE: I'd ask for an offer of proof
19 again. The bills aren't relevant.

20 MR. CONNER: The bills are relevant. I'm
21 accused of theft, of stealing. And it's
22 important for me to establish for the record
23 how much money she had, what her expenses were
24 and what money was returned to her.

1 And that's what I'm doing here. I'm
2 asking her about how much money she had to
3 come into her possession, which she just
4 testified to. And now I'm talking to her
5 about her knowledge of her expenses because
6 she has already testified what money she got
7 back.

8 If they are going to accuse me of
9 stealing, then we have to know what money I
10 stole.

11 MR. WHITE: Mr. Conner stipulated to
12 executing over almost 200 transactions. The
13 only issue left to be determined is whether
14 Ms. Fauntleroy authorized those transactions
15 or not.

16 MR. KRAWITZ: That is not true. The
17 complaint states that I committed a theft.
18 It's a criminal statute saying that I
19 committed a theft. And that theft is the
20 basis of my alleged professional misconduct.
21 The theft, that's what is stated in there. So
22 they have the burden of proof that there was a
23 theft.

24 The other statutes, the Disciplinary Codes

1 that relate to that all center around the fact
2 that I allegedly stole her money. That's what
3 this complaint says.

4 MR. WHITE: I agree. But the bills
5 aren't relevant. Whether the bills, what the
6 amount of the bills were, whether Mr. Conner
7 paid them or not, that's not relevant to the
8 Petition for Discipline which he stole money
9 for transactions at the casino.

10 MR. CONNER: In order for them to
11 establish the fact that I stole money, we have
12 to know what money I stole, how much money she
13 had, how much money went to pay her expenses
14 and how much money was returned to her.

15 It's my position that over \$8000 more
16 than what she was entitled to was returned to
17 her. That doesn't establish a theft any kind
18 of way you want to look at it.

19 We are talking about a criminal statute.
20 And the basis of that criminal statute is that
21 the money was not paid back accordingly.

22 So there is a dispute as to whether or
23 not she says that I was authorized or not. I
24 certainly disagree with that and we can argue

1 about that. But the petition alleges that I
2 violated the rules of conduct because I stole.
3 So the theft --

4 MS. McBRIDE: My question is, is it your
5 possession that it's not a theft if you took
6 money that you weren't authorized to take but
7 repaid it? That's not a theft? Is that your
8 position?

9 MR. CONNER: My position is that I was
10 entitled, I was given permission to take the
11 money that the money was taken. That once it
12 was brought to my attention --

13 MS. McBRIDE: Wait a minute. Let me stop
14 you there. You said you understand the
15 testimony was that you were not authorized.
16 So let's assume for purposes of argument you
17 weren't authorized.

18 Is it your position that if you paid the
19 money back, that's not a theft?

20 MR. CONNER: No. No, that's not my
21 position.

22 My position, though, is that I was
23 authorized, that there was no demand made for
24 that and that I repaid that money plus some.

1 That's my position.

2 I can't just say, I can't just argue back
3 and forth as to whether or not I had
4 permission or not to do that. But what I'm
5 saying to bolster my position that I had
6 authorization to do that is that as soon as I
7 found out about it and there was demand for
8 it, that that money was paid in full.

9 And this criminal statute, which is
10 pretty clear, states on there that the issue,
11 if you are making this charge under the
12 criminal statute and that the money is repaid,
13 then there is no theft. It can't be repaid
14 months later. But we are talking about three
15 days later.

16 And it really wasn't a formal demand.
17 But once I found out that there was any
18 question about it even though I couldn't talk
19 to Ms. Fauntleroy, that that money was
20 returned to her per our agreement.

21 MS. McBRIDE: What is your position on
22 that?

23 MR. WHITE: I think we are getting into
24 the weeds here. The question was about bills,

1 I don't understand how the bills are relevant.
2 The Petition for Discipline alleged that Mr.
3 Conner converted Ms. Fauntleroy's funds
4 through transactions at casinos which he
5 stipulated to. Whether or not she received
6 bills and whether or not Mr. Conner paid them
7 doesn't appear to be relevant of that.

8 MR. CONNER: And what I'm saying for
9 purposes of the record, the record needs to
10 establish how much money was under my control
11 during this period of time and what came into
12 the account. It also needs to establish what
13 bills were paid so we can determine what
14 amount of money Ms. Fauntleroy was entitled
15 to.

16 MS. McBRIDE: But you stipulated to the
17 amounts of the withdrawals, correct?

18 MR. CONNER: Correct.

19 MS. McBRIDE: There is a stipulation as
20 to the amount that was repaid, correct?

21 MR. CONNER: Correct.

22 MS. McBRIDE: So then why do her bills
23 matter?

24 MR. CONNER: Her bills matter because

1 again, she is saying she didn't understand how
2 she has so much money. But she has so much
3 money because I was paying those bills, paying
4 back that amount of money per our agreement by
5 making deposits into the account.

6 MS. McBRIDE: Why does that matter if at
7 the end of the day we know what numbers are?
8 We know what was withdrawn and we know what
9 you paid back. So why does it matter what
10 bills were paid in the interim?

11 MR. CONNER: You have to establish how
12 much money was due Ms. Fauntleroy.

13 MS. McBRIDE: You stipulated to the
14 amounts.

15 MR. KRAWITZ: You stipulated to the
16 amount you paid back. You stipulated to the
17 amount of money. We wouldn't know. You
18 stipulated to it.

19 MR. CONNER: No. No, I didn't stipulate
20 to the amount of money. You mean the \$67,000.

21 MS. McBRIDE: You stipulated to the
22 withdrawals, correct?

23 MR. CONNER: Yes.

24 MS. McBRIDE: And you stipulated to the

1 amount you repaid, correct?

2 MR. CONNER: No.

3 MR. WHITE: If I could clear up. We did
4 stipulate ODC-1 in Paragraph 12B, we
5 stipulated that he provided the certified
6 check in the amount of \$67,708.15.

7 MR. KRAWITZ: Right.

8 MR. WHITE: I think there may be an issue
9 later in the proceeding whether more funds
10 were paid or not. But that's what the
11 stipulation says.

12 MR. CONNER: Maybe I'm not being clear.
13 The stipulations are that I used Ms.
14 Fauntleroy's card to do transactions at the
15 casino, both transactions directly and ATM
16 cards. That's the transaction. And that
17 amount of money comes to close to \$100,000.

18 What I'm saying is that that cumulative
19 amount of money wasn't all of Ms. Fauntleroy's
20 money. There was money that I was, when I
21 would go to the casino to use her card, I was
22 paying money, depositing money back into her
23 account. So it was not \$100,000.

24 My stipulation is that I used the card.

1 My stipulation is not that I took \$100,000 of
2 Ms. Fauntleroy's money and used it, because I
3 did not. She didn't have that money. As I
4 used the card, I was making deposits into her
5 account. Then I would use the card again. So
6 I wasn't using \$100,000 of Ms. Fauntleroy's
7 money. I did not stipulate to that. I did
8 stipulate, though, that I used the card.

9 So again, my position is that we need to
10 know how much money Ms. Fauntleroy actually
11 had. We need to know that through the pension
12 and through the investment. And then we need
13 to know how much of that money was used for
14 her benefit which is what I'm asking her about
15 right now because that gets you to what was
16 actually owed. You can't look at the \$100,000
17 because I'm making deposits over 23 deposits
18 into her account. It wasn't \$100,000 of her
19 money. She didn't have that money.

20 MR. SAILLE: Mr. Conner, are you saying
21 that you are commingling your own money with
22 her money?

23 MR. CONNER: No. I'm saying that
24 Fauntleroy gave me permission. It was almost

1 like a loan. It was almost like she said, Hey
2 look, can I use your card while I'm at the
3 casino? Yes, you can. Ms. Fauntleroy, I will
4 put that money back into your account. Okay,
5 fine. You can see how much I'm using every
6 month because you are getting bank statements
7 on that.

8 As I was using that money, I was making
9 deposits back into that account. That's how
10 that amount goes up. It wasn't \$100,000 worth
11 of her money. I would use it, I would repay
12 it according to our agreement.

13 That's why it's important to know I
14 couldn't have used \$100,000. She didn't have
15 it. That's money that I -- I wasn't
16 commingling. I wasn't taking my money and
17 commingling my money with hers. It was based
18 on our agreement.

19 That's why it's important, it's important
20 to understand that I could not have taken
21 money that she didn't have. And I'm trying to
22 explain to the Board how, why it is that I'm
23 making that assertion and establishing what
24 she had, what was spent on her behalf and was

1 returned to her is the actual money we are
2 talking about now.

3 So that stipulation isn't a stipulation
4 that I took \$100,000 of her money. That's why
5 the deposits are important because she didn't
6 have that money.

7 MR. SAILLE: Is this agreement you
8 proposed something that was done orally or is
9 it something in writing?

10 MR. CONNER: It was done orally, but it
11 wasn't just on one occasion. As the person
12 that was writing the checks, and I'll get into
13 this testimony before, I didn't write any
14 checks or do any transactions on that account
15 without Ms. Fauntleroy's authorization to do
16 it.

17 And the use of the card at the casino was
18 part of that. We talked lots of times about
19 that. And it's clear it wasn't like I hid
20 anything from her. It was right there and we
21 talked about it. She may not remember that
22 now. That's up to the Panel to decide whether
23 or not she did that.

24 But the bottom line is I didn't steal any

1 money from her. I'm saying I wouldn't have
2 done it without her authorization. And all of
3 the money was paid back to her that she was
4 entitled to.

5 So I would like the record to reflect the
6 type of expenses that she had that I paid on
7 her behalf out of her money.

8 MR. KRAWITZ: We are going to take a few
9 minute recesses and discuss this further. We
10 stand adjourned.

11 (Whereupon, a break was taken off the
12 record.)

13 MR. KRAWITZ: The Panel has discussed the
14 objection and taking into consideration the
15 arguments, Mr. Conner, we are going to allow
16 in a limited fashion some questions about the
17 expenses.

18 I would encourage you, though, before you
19 launch into that, encourage you to think about
20 maybe working out some form of stipulation
21 about the expenses with the Office of
22 Disciplinary Counsel.

23 MR. CONNER: While you guys were outside,
24 I was thinking about that. I have marked as

1 RS-5, an amended summary of receipts and
2 disbursements. I would ask Disciplinary
3 Counsel to take a look at it. And if there
4 can be a stipulation to the contents of that.
5 That breaks down all of the expenses and there
6 will be no reason to go through it and make it
7 part of the record.

8 MR. WHITE: I'm unwilling to stipulate to
9 the figures in RS-5. I will stipulate to the
10 admission of RS-5. It appears Ms. Fauntleroy
11 is running out of gas. The document shows
12 what they show and Mr. Conner can establish
13 this on cross if he'd like. But I'll
14 stipulate to the admission of RS-5, not to its
15 contents. I have a lot of questions about the
16 figures that I intend to ask Mr. Conner on
17 cross.

18 MR. KRAWITZ: Mr. Conner, do you have a
19 response?

20 MR. CONNER: I think that will be fine.
21 Yeah.

22 MR. KRAWITZ: Okay.

23 MR. CONNER: So I would like to introduce
24 and move for admission RS-5.

1 MR. WHITE: No objection.

2 MR. KRAWITZ: With that, Mr. Conner, do
3 you have, do you need to ask some limited
4 number of questions on this issue?

5 MR. CONNER: I think I'm about done. I
6 beg the Panel's indulgence for just a minute.

7 MR. KRAWITZ: Sure. Okay.

8 Mr. Conner.

9 MR. CONNER: Yes.

10 MR. KRAWITZ: The dates, just talking
11 about the dates now, and if you need this back
12 to look at this. I'm thinking particularly in
13 the ending balance date, shouldn't that be
14 '17?

15 MR. CONNER: Let me pull out my copy.

16 MR. KRAWITZ: Do you need this back?

17 MR. CONNER: No, I have another copy.
18 Just a second. We'll look at it together. It
19 should be '17. I'm sorry.

20 MR. KRAWITZ: Can you go through and just
21 tell us the dates, confirm the dates? It
22 should be at the top, it should say April
23 27th, 2017. Why don't you take this back and
24 you make the changes on it and correct the

1 date and then you will resubmit it.

2 MR. CONNER: Yeah, I'm sorry. I see
3 another problem. Yeah. Let me do that. I'm
4 sorry.

5 MR. KRAWITZ: I believe the testimony,
6 your questions were also, now that we are
7 looking at the dates, your questions said '16
8 and I think you were referring to '17
9 particularly in the April date.

10 MR. CONNER: The April date is always
11 2017.

12 MR. KRAWITZ: I think the transcript is
13 going to reflect that that says '16. We may
14 need to --

15 MR. WHITE: That's prior to the date of
16 the Power of Attorney.

17 MR. KRAWITZ: Right. So that may need to
18 be --

19 MR. CONNER: Maybe that was confusing for
20 the Panel as well. I'm sorry. Yeah. Any
21 date --

22 MR. KRAWITZ: Mr. Saille picked up on not
23 only did we see this on the document, but his
24 recollection is your questions were using

1 April of '16. Am I correct?

2 MR. SAILLE: Yes, that's correct. I
3 remember.

4 MR. KRAWITZ: April '17, I suggest we'll
5 deal with that once there is a transcript
6 post-hearing. We may need to do some type of
7 errata, agreed-upon errata sheet or something
8 to correct those dates in the transcript.

9 MR. WHITE: Very well.

10 MR. KRAWITZ: Is that fair?

11 MR. WHITE: It's okay with the Office of
12 Disciplinary Counsel.

13 MR. KRAWITZ: Is that okay with you, Mr.
14 Conner?

15 MR. CONNER: It is, and I apologize.

16 MR. KRAWITZ: The Panel, the feeling is
17 that the questions should probably be asked
18 with the correct dates to make the record
19 clear.

20 MR. SAILLE: Ms. Fauntleroy can answer
21 them correctly. Because if we agreed upon it
22 later, it's not her answer.

23 MR. KRAWITZ: I would suggest that
24 counsel could agree, we have searched the

1 record. And we have determined that the
2 reference to April, 2016 which should have
3 been April, 2017 was during the argument on
4 the last objection regarding RS-5. Given that
5 it was during the argument of counsel, I would
6 say that once the transcript is available,
7 that counsel agree to execute an errata sheet
8 to correct that for the transcript. Is that
9 fair?

10 MR. WHITE: That's okay with the Office
11 of Disciplinary Counsel.

12 MR. CONNER: Proceed?

13 MR. KRAWITZ: Sure.

14 BY MR. CONNER:

15 Q Ms. Fauntleroy, I want to, for the
16 record, between August 1st, 2016 through April
17 27th, 2017, you lived at 1634 North 30th Street in
18 Philadelphia, correct?

19 A Correct.

20 Q You received a monthly bank statement
21 from your Wells Fargo checking account each month
22 between August 1st, 2016 through July 27th of
23 2017, correct?

24 A Yes.

1 MR. CONNER: And I would like to, instead
2 of showing her each one, we are going to use
3 -- Disciplinary Counsel's marked exhibits
4 would be ODC 3A through 3J. There has been a
5 stipulation that they would be admitted.

6 MS. McBRIDE: Can we see a copy?

7 MR. WHITE: Are you moving their
8 admission, Mr. Conner?

9 MR. CONNER: I'm moving their admission.
10 And again, ODC-3A through 3J would be the
11 Wells Fargo checking account statements that
12 went to Ms. Fauntleroy's address at 1634 North
13 30th Street.

14 MR. WHITE: I do have copies for the
15 Panel as well.

16 MR. CONNER: I don't have any additional
17 questions for Ms. Fauntleroy. However, I
18 would like to move for admission of RS-5, the
19 stipulations that were placed on the record.

20 MR. KRAWITZ: You have handed us RS-5.

21 MR. CONNER: RS-5, right. So the
22 admission of that document.

23 MR. KRAWITZ: Okay.

24 MR. CONNER: Also the admission of RS-6A.

1 MR. KRAWITZ: 6A?

2 MR. CONNER: Yeah. That was the check.

3 MR. KRAWITZ: We have an RS-6 that you
4 referred to. There was an objection to that.

5 MR. WHITE: RS-6 is identical to ODC-3A.
6 So we instead moved ODC-3A into evidence.

7 MR. KRAWITZ: Okay.

8 MR. CONNER: RS-6A were the checks.

9 MR. WHITE: I'd stipulate to the
10 admission of 6A as well.

11 MR. CONNER: 6A and also RS-11A.

12 MR. WHITE: I'll stipulate to 11A.

13 MR. CONNER: And the purpose of those
14 two, RS-6A, they contain eight checks written
15 off of the Wells Fargo Bank accounts dated
16 August 6th, 2016 signed by Sarah Fauntleroy.
17 And RS-11A would include one check dated
18 December 21st, 2016, Check Number 4297 written
19 and signed by Ms. Fauntleroy.

20 MR. KRAWITZ: Any objection?

21 MR. WHITE: No objection to 6A or 11A.
22 If I could just circle back to RS-5. I
23 previously stipulated to its admission but I
24 understand that Mr. Conner has since made

1 handwritten alterations to that document.

2 MR. KRAWITZ: He has.

3 MR. WHITE: Could I see what the changes
4 were?

5 MR. KRAWITZ: Sure. I thought he handed
6 you a copy.

7 MR. CONNER: I'm sorry. I did not.

8 MR. WHITE: Thank you.

9 MR. KRAWITZ: Sure.

10 MR. WHITE: I have no objection to the
11 altered document.

12 MR. KRAWITZ: Mr. Conner, are you
13 complete with your cross?

14 MR. CONNER: I am.

15 MR. KRAWITZ: Any redirect?

16 MR. WHITE: Just briefly.

17 MR. KRAWITZ: Sure.

18 BY MR. WHITE:

19 Q Ms. Fauntleroy, Mr. Conner asked you, and
20 I think you confirmed, that you initially hired
21 Mr. Conner because you were running out of money.
22 Is that correct?

23 A Well, not because I was running out of
24 money, but I did not have anybody to oversee it.

1 So that was when I talked to my brother about
2 having somebody responsible.

3 Q But around the time in late July of 2016
4 when you hired Mr. Conner to be your Power of
5 Attorney, did you testify on cross-examination
6 that you were running out of money at that time?

7 A I must have because that's the only
8 reason I would need somebody is because the
9 caretakers were not being paid. That was the most
10 important thing.

11 Q Now, if you were running out of money,
12 would you have told Mr. Conner or anyone else that
13 they could spend money from your account at a
14 casino?

15 A No.

16 Q Now, you also testified on
17 cross-examination, I believe, that Mr. Conner had
18 performed some legal services for you. He
19 prepared a will and a Healthcare Power of
20 Attorney. Is that correct?

21 A He did what?

22 Q I believe he prepared a will for you and
23 a Healthcare Power of Attorney. Is that correct?

24 A Yes.

1 MR. CONNER: I'm going to object. I
2 thought there was an objection that was
3 sustained by the Panel when I wanted to move
4 forward with cross-examination using those
5 documents.

6 MS. McBRIDE: I think that the objection
7 was to the admission of those documents into
8 the record, not questions about them.

9 MR. CONNER: Well, no. The objection was
10 I was getting ready to cross-examine her using
11 those documents. I hadn't gotten to asking
12 for them to be admitted. I wanted to ask her
13 questions on those documents. There was an
14 objection and it was sustained by the Panel.

15 MR. WHITE: I'll withdraw the question.
16 I have nothing further.

17 MR. KRAWITZ: Recross?

18 MR. CONNER: Nothing. Thank you.

19 MS. McBRIDE: I have one question.

20 Ms. Fauntleroy, can you hear me? Can you
21 hear me?

22 THE WITNESS: Yes.

23 MS. McBRIDE: I just had a question. How
24 did you become aware? How did you learn about

1 withdrawals that were made from your account
2 or checks that were written to the casino?
3 How did you learn about that?

4 THE WITNESS: When my caretaker advised
5 me that the checks, they were not being
6 covered.

7 MS. McBRIDE: Did you say were not being
8 covered?

9 THE WITNESS: Right.

10 MS. McBRIDE: Were checks bouncing?

11 THE WITNESS: I guess that's what you
12 call it when you go there and there is no
13 money.

14 MS. McBRIDE: Did you report that to
15 anybody?

16 THE WITNESS: Yes. I asked them if that
17 was so, and they said yes.

18 MS. McBRIDE: To whom did you report that
19 information?

20 THE WITNESS: Well, to -- it had to be to
21 whoever was signing the checks and paying the
22 caretakers. And the checks were bouncing.

23 MS. McBRIDE: So did you call the police?

24 THE WITNESS: No.

1 MS. McBRIDE: Did you call anybody to
2 report that information?

3 THE WITNESS: Well, through my brother
4 and through the caretakers, that's all I did.

5 MS. McBRIDE: Thank you.

6 MR. CONNER: Can I follow-up on that line
7 of questioning?

8 MS. McBRIDE: Sure.

9 BY MR. CONNER:

10 Q Ms. Fauntleroy, as far as any overdrafts
11 on the account, you spoke to me about that,
12 correct?

13 A That the checks were not being paid?

14 Q You said that there was an occasion that
15 you found out that a check wasn't being paid. And
16 I think the question was, who did you talk to
17 about that?

18 And my question to you is, on that
19 occasion, you spoke to me about that, correct?

20 A To you and my brother.

21 Q Me and your brother?

22 A Right.

23 Q And as a result of that, as a result of
24 our conversation, you knew that that check had

1 been made good and that's the reason why you
2 didn't go to the police or make any statements to
3 anybody about me stealing anything, correct? You
4 talked to me about that, correct?

5 A Yeah.

6 Q And after you talked to me about that,
7 you didn't talk to anybody else about it, did you?

8 A No.

9 MR. CONNER: No further questions.

10 MR. KRAWITZ: Okay.

11 MR. WHITE: I have a couple. I think I
12 might be able to illuminate this issue.

13 MR. KRAWITZ: Okay.

14 BY MR. WHITE:

15 Q Ms. Fauntleroy, after you revoked Mr.
16 Conner's Power of Attorney, did you go to the
17 Philadelphia Corporation for Aging? Did you speak
18 with a woman named Tia Kelly?

19 A Yes.

20 Q And was Ms. Kelly going to help you pay
21 your bills?

22 A Well, she was going to see what could be
23 done. Yes.

24 Q Did Ms. Kelly tell you anything about any

1 transactions at casinos at that time?

2 MR. CONNER: I'm going to object. I
3 don't know whether that is getting ready to
4 get into hearsay. Ms. Kelly is not here right
5 now. So I think that's where we are going
6 with that.

7 MR. KRAWITZ: Sustained.

8 MR. WHITE: I have nothing further. I
9 would call Seth Maltzman.

10 MR. KRAWITZ: Very well.

11 MR. WHITE: Can Ms. Fauntleroy be
12 excused?

13 MR. KRAWITZ: She can.

14 Thank you, Ms. Fauntleroy.

15 THE WITNESS: You are quite welcome.

16 ---

17 SETH MALTZMAN, ESQUIRE, after having been
18 first duly sworn, was examined and testified
19 as follows:

20 ---

21 EXAMINATION

22 ---

23 BY MR. WHITE:

24 Q Good morning, Mr. Maltzman.

1 A Good morning.

2 Q Thank you for coming. Mr. Maltzman, how
3 do you know Sarah Fauntleroy?

4 A She came to me as a client.

5 Q How many times have you met with Ms.
6 Fauntleroy?

7 A Twice.

8 Q I'm sorry. If you could just direct your
9 answers to the Panel behind you. It's a little
10 awkward. I apologize.

11 A Sure. Sure.

12 Q So you said Ms. Fauntleroy came twice?

13 A Yes.

14 Q Approximately when were those meetings?

15 A In 2017. I believe April 27th, 2017 and
16 then in November, 2017.

17 Q Sir, I'm going to show you what I have
18 previously marked as ODC Exhibit 5. Do you
19 recognize that document, sir?

20 A Yes.

21 Q Can you tell the Panel what that is?

22 A It's a revocation of a Power of Attorney
23 that I prepared for Sarah Fauntleroy on April
24 27th, 2017.

1 MR. WHITE: I move for the admission of
2 ODC-5.

3 MR. KRAWITZ: Any objections?

4 MR. CONNER: No.

5 MR. WHITE: Can I present copies to the
6 Panel?

7 MR. KRAWITZ: Please.

8 MR. CONNER: You know what, I'm going to
9 hold off on agreeing to that until he finishes
10 his testimony about that document. I have
11 some questions about the document. I'm sorry.

12 BY MR. WHITE:

13 Q Mr. Maltzman, you prepared this document
14 I marked as ODC Exhibit 5?

15 A Yes, sir.

16 Q Is that a true and correct copy of the
17 document you prepared?

18 A Yes, sir.

19 Q Sir, I'm going to show you what I
20 previously marked as ODC Exhibit 6 and 7. Have
21 you seen either of those documents before?

22 A I'm looking at ODC-6 right now. No, I
23 have never seen ODC-6 before.

24 Q Okay.

1 A And I have never seen ODC-7 before.

2 Q If I could direct your attention to
3 Paragraph 226 of ODC-6.

4 A Yes.

5 Q Could you please read that allegation?

6 MR. CONNER: Paragraph 226?

7 MR. WHITE: Correct.

8 THE WITNESS: On April 27th, 2017, Ms.
9 Fauntleroy revoked the General Durable Power
10 of Attorney that she had executed in your
11 favor on July 29th, 2016.

12 BY MR. WHITE:

13 Q If I could direct your attention to
14 Paragraph 226 of ODC-7.

15 A Yes.

16 Q Would you please read Mr. Conner's
17 response to that allegation aloud?

18 A 226, admitted in part, denied in part.
19 It is admitted that the General Durable Power of
20 Attorney that Ms. Fauntleroy executed on July
21 29th, 2016 was revoked on or about April 27th,
22 2017.

23 By way of further answer, Ms. Fauntleroy
24 was in poor health both physically and mentally at

1 the time the POA was revoked. And, therefore, it
2 is denied that she was capable of making a knowing
3 and intelligent decision to revoke the POA.

4 By way of still further answer,
5 Respondent was not notified that the POA was
6 revoked and that the account was closed until
7 Friday, April 28th, 2017.

8 Q Based on your interactions with Ms.
9 Fauntleroy in April of 2017, do you believe that
10 she was capable of making knowing and intelligent
11 decisions?

12 A Yes.

13 Q I believe you testified you met with her
14 in November of 2017 as well?

15 A Yes.

16 Q At that time, did you believe that she
17 was capable of making knowing and intelligent
18 decisions?

19 A Yes.

20 Q What is your reaction to Mr. Conner's
21 allegation that Ms. Fauntleroy was in poor health
22 both physically and mentally such that she was
23 incapable of making a knowing and intelligent
24 decision in April of 2017?